

MANTON MARBLE'S  
LETTER TO  
ABRAHAM LINCOLN.


MARBLE. Letter to Abraham Lincoln. By Manton Marble,  
Editor of "The World." *Nulla potentia supra leges esse*  
*debit.* Cicero. New York. Privately Printed. 1867. 8vo,  
pp 25.\*

Dated May 23, 1864, and occasioned by the suppression of the  
World newspaper for having printed a bogus proclamation.

NI 329







Digitized by the Internet Archive  
in 2010 with funding from  
State of Indiana through the Indiana State Library







*L E T T E R*

TO

ABRAHAM LINCOLN.

BY MANTON MARBLE,

EDITOR OF "THE WORLD."

*"Nulla potentia supra leges esse debet."*—CICERO.

**New-York :**

PRIVATELY PRINTED.

1867.

EDITION, 99 COPIES.

“ Nulla potentia supra legis esse debet.”

CICERO.

## PREFACE.

This reprint of Mr. MANTON MARBLE's letter to the late President of the United States is made entirely without the author's knowledge, being undertaken at the instance and expense of gentlemen, two-thirds of whom do not belong to the political party with which Mr. Marble is connected, and who do not even enjoy the pleasure of his acquaintance.

As a frank, fearless and manly protest against a gross act of tyranny, it deserves to be read by the descendants of those men who forced a king of England to respect the rights and liberties of his people; as a calm, forcible and logical argument against oppression, it is worthy to be placed side by side with Mr. John Stuart Mill's essay on liberty; as a model of English composition, it is fit to be studied by all those who wish to use their native language courteously, but yet with the vigor which a righteous cause is so well calculated to give.

The people of any country who can read this letter without feeling its power are scarcely worthy to be dignified with the name of free men.

NEW YORK, *March 23d*, 1867.



TO HIS EXCELLENCY, ABRAHAM  
LINCOLN, PRESIDENT OF THE UNITED  
STATES.

SIR: "That the King can do no wrong," is the theory of a monarchy. It is the theory of a constitutional republic that its chief magistrate may do wrong. In the former the ministry are responsible for the King's acts. In the latter the President is responsible for the acts of his ministers. Our Constitution admits that the President may err in providing for a judgment upon his doings, by the people, in regular elections. In providing for his impeachment, it admits that he may be guilty of crimes.

In a government of laws, and not of men, the most obscure citizen may without indecorum address himself to the

Chief Magistrate, when to the Constitution whence you derive your temporary power and he the guaranty of his perpetual rights, he has constantly paid his unquestioning loyalty, and when to the laws, which your duty is to care for a faithful execution of, he has rendered entire obedience.

If the matter of his address be that in his person, property and rights, the Constitution has been disregarded and the laws disobeyed ; if its appeal to the principles of justice be no more earnest than the solicitude of its regard for truth, and if the manner of his address be no less temperate than firm, he does not need courtly phrases to propitiate an attentive hearing from a magistrate who loves his country, her institutions, and her laws.

IN THE WORLD of last Wednesday morning was published a proclamation, purporting to be signed by your excellency and countersigned by the Secretary of

State, appointing a day of fasting and prayer, and calling into military service by volunteering and draft four hundred thousand citizens between the ages of eighteen and forty-five. That proclamation was a forgery, written by a person who, ever since your departure from Springfield for Washington in 1861, has enjoyed private as well as public opportunities for learning to counterfeit the peculiarities of your speech and style, and whose service for years as a city editor of the New-York *Times* and upon the New-York *Tribune* acquainted him with the entire newspaper machinery of the city, and enabled him to insert his clever forgery into the regular channels by which we receive news, at a time when competent inspection of its genuineness was impossible, and suspicion of its authenticity was improbable. The manifold paper, resembling in all respects that upon which we nightly receive from our agents news,

and from the government itself orders, announcements, and proclamations, was left with a night clerk about 3 or 4 o'clock in the morning, after the departure of every responsible editor, and was at once passed into the hands of the printers, put in type and published. No newspaper in the country but would have been deceived as we were !

Our misfortune was complete. At an early hour, however, before the business of the city had fairly begun, it was discovered that we had been imposed upon, and were being made to appear the instruments of a deception of the public. There was no delay in vindicating our character. Our whole machinery for spreading news was set in motion instantly to announce that we had been deceived by a forgery—that your excellency had issued no proclamation. The sale of papers over our counters was stopped. Our bundles to the Scotia, bound for Europe that day,



were stopped. The owners' and purser's files were stopped. News-room bundles and files were stopped, and the agent of the line was informed that the proclamation was a forgery. Our printers and pressmen were brought from their homes and beds to put in type and publish the news of our misfortune. Our bulletin-boards were placarded with the offer of reward for the discovery of the forger; and to the Agent of the Associated Press I sent a telegram reciting all the facts, for him to transmit at once to nearly every daily paper in the North, from Maine to California. Thus, before the Scotia sailed, before your Secretary of State had officially branded the forgery, the wings which we had given to Truth had enabled her to outstrip everywhere the Falsehood we had unwittingly set on foot, and in many places the Truth arrived before the forger had come to tell his tale.

For any injury done to ourselves, to

the government, or to the public, this publicity was ample antidote. It indeed made injury impossible.

But the insult to your excellency was the greater in proportion to the eminence of your station. Early in the afternoon of Wednesday, therefore, I went with Mr. WM. C. PRIME, the chief editor of the *Journal of Commerce*, which had been deceived precisely as we were, to the headquarters of the Department of the East, and we laid before the commanding general every clue in our possession which could lead to the discovery of the guilty persons. All the facts above recited were telegraphed at once to you through the Secretary of War by General Dix. I assert our utter blamelessness. I assert, moreover, that I have never known a mind so prejudiced in which acquaintance with these facts would not enforce the conviction of our utter blamelessness.

Here was the absence of an intent to

do wrong ; here was an antidote for an injury unwittingly assisted, more complete and effectual than the injury itself ; here was alacrity in search of the wrong-doer, and assistance rendered to your subordinate to discover the author of the insult done to you.

With these facts set fully before you by the general commanding this department, you reiterated an order for my arrest and imprisonment in Fort Lafayette ; for the seizure and occupation of THE WORLD office by a military guard, and the suppression of its publications. The *Journal of Commerce*, its editors and publishers, were included in the same order.

I believe, though I cannot state of my own knowledge, that to the commanding general's assertion of our entire blamelessness it was owing that the order for our arrest and incarceration was rescinded. But the order for the suppression of THE WORLD was not rescinded. Under your

orders, General Dix sent a strong military force to its publication office and editorial rooms, who ejected their occupants, and for two days and three nights held possession there, injuring and abstracting some of their contents, and permitting no one to cross the threshold.

Not until Saturday morning did this occupation cease. Not until to-day has THE WORLD been free to speak. But to those who have ears to hear its absence has been more eloquent than its columns could ever be.

To characterize these proceedings as unprecedented, would be to forget the past history of your administration; and to characterize them as shocking to every mind, would be to disregard that principle of human nature from which it arises that men submitting once and again to lawless encroachments of power, with every intermission of a vigilance which should be continual, lose something of the old, free,

keen sense of their true nature and real danger.

CHARLES was doubtless advised to, and applauded for, the crimes by which he lost his crown and life. Nor can you do any such outrageous, oppressive, and unjust a thing that it will not be applauded by those whose prosperity and power you have created and may destroy. To characterize these proceedings as arbitrary, illegal, and unconstitutional, would seem, if such weighty words have not been emptied of all significance, to befit better an hour at which you have not arrived, and a place where not public opinion but the authority of law speaks, after impeachment, trial, conviction, and judgment.

But, sir, the suppression of two daily journals in this metropolis—one the organ of its great commercial public, the other a recognized exponent of the Democratic principles which are shared by half or nearly half your fellow-citizens—did

shock the public mind, did amaze every honest and patriotic citizen, did fill with indignation and alarm every pure and loyal breast. There were no indignation meetings, there were no riots, there was no official protest. But do not imagine, sir, that the governor of this state has forgotten to do his duty; do not imagine that the people of this city or state, or country have ceased to love their liberties, or do not know how to protect their rights. It would be fatal to a tyrant to commit that error here and now. A free people can at need devise means to teach their chief magistrate the same lesson.

To you, sir, who have by heart the Constitution which you swore to "preserve, protect, and defend," it may be an impertinence to cite those natural and chartered rights therein enumerated, among which are these: That the people shall be secure in their persons, houses, papers and effects, against unreasonable seizures,

and that no warrant even shall issue, except upon probable cause, supported by oath, and particularly describing the place to be searched and the persons or things to be seized; that no person shall be deprived of life, liberty or property without due process of law; yet these are the most priceless possessions of freemen, and these you took away from me.

Even a captured and guilty criminal who knew that his crime would be proved, and that the law would assuredly visit upon him condign punishment, might with propriety plead these rights and demand of the chief magistrate to throw over him these shields. Assaulted by the bayonets of a military commander, he might protest and assert his inalienable right to the orderly processes, the proofs, and the punishment of the law. But has the Saxon tongue any terms left for him to use who, being the victim of crime, has been made also the victim of lawless power?

It is the theory of the law that after the commission of any crime, all proceedings taken before trial shall be merely preventive ; but the proceedings taken against *THE WORLD* were of the nature of a summary execution of judgment. Would trial by law have been denied, would the law itself have been set aside for the bayonet, would a process as summary as a drum-head court-martial have been resorted to by you in a peaceful city, far from the boundaries of military occupation, had the presses which consistently applaud your course been, as we were, the victims of this forger ? Had the *Tribune* and *Times* published the forgery (and the *Tribune* candidly admits that it might have published it and was prevented only by mere chance) would you, sir, have suppressed the *Tribune* and *Times* as you suppressed *THE WORLD* and *Journal of Commerce* ? You know you would not. If not, why not ?



Is there a different law for your opponents and for your supporters ?

Can you, whose eyes discern equality under every complexion, be blinded by the hue of partisanship ?

THE WORLD had sustained the government in its struggle to preserve our imperiled nationality. It had helped inspire the martial spirit of the people, and encourage them to the sacrifices they have so nobly made. It had advocated those measures of financial policy which could best preserve the tone and vigor of the government in the contest. It had deserved well of the republic, and of those who love it.

But it also exposed and denounced the corruptions attendant upon your administration. It had opposed a delusive and enervating system of paper money. It had vindicated the fame of a patriot general, whom you had removed from command on the eve of victory. It had deprecated your re-election. Did you

not find in these facts the provocations to your wrong and your persistence in wrong? Had you not made up your mind against us before the underling, your partisan, had concocted his plot? When you answer these interrogatories, I will produce the proof of threats made against us by those nearest you, and assuming to exert your prerogative, before this trick of forgery furnished you with the specious pretense of an accusation.

Can it be possible, sir, that for a moment you supposed that journals like ours could afford to be guilty of this forgery? Let the unanimous voice of your own press answer. Such a trick would hardly have succeeded in Sangamon county, Illinois. For a party which is about to go before the people, and ask them to commit to its hands the administration of affairs, which has been more generous and forbearing to your errors than you have been just to its guides, permit me

to say that it was less possible to be true of any one of them than it was of any man high or low who suspected them.

And so the end has proved. The confessed and guilty forgers were your own zealous partisans. JOSEPH HOWARD, Jr., who has confessed his crime, was a Republican politician and Loyal Leaguer, of Brooklyn. Consider, sir, at whose feet he was taught his political education, and in whose cause he spent his political breath. Mr. HOWARD has been from his very childhood an intimate friend of the Republican clergyman, HENRY WARD BEECHER, and a member of his church. He has listened year in and year out to the droppings of the Plymouth sanctuary. The stump speeches which there follow prayer and precede the benediction he for years reported in the journal which is your devoted organ in this city. For years he was the city editor of that journal, the *New-York Times*; for a long time he was

the Washington correspondent of the chief abolition newspaper of the country, the New-York *Tribune*; he has been a frequent contributor to the columns of the *Independent*; he journeyed with you from Springfield to Washington; he represents himself a favored visitor at the White House since your residence there.

By a curious felicity the stylus with which his amanuensis copied on tissue paper the proclamation and signed your name was abstracted from the editorial rooms of the *Tribune*. The party principles upon which you were pledged to administer the government have been the daily meat and drink of this forger. He has denounced as faithfully as you the party by whose defeat you rose to power. He has been the noisy champion of an exclusive loyalty; he has preached in club-houses and at street corners those politics which stigmatize constitutional opposition to the administration as disloyalty to the

government. The stock-brokers who were his confederates will be found to be of the same kidney. They all advocated a paper-money legal tender; they have all countenanced the paper inflation; they have all been heedless of the misery to poor men which such inflations breed; they have all rejoiced at the speculation thus fostered, and by speculation they had hoped to thrive.

For twenty-four hours something was pardoned to your presumed natural trepidation, since our blamelessness having been alleged to you by those here whom it was your duty to believe, it seemed only prudent to await your recovery.

For the next twenty-four hours, from moment to moment, it was expected that you would hasten to confess and repair your mistake. But the mistake thus prolonged grew to the proportions of a crime; and till the discovery of the forger stripped its mask off and disclosed the inspiring

cause of the act, it grew monstrous hourly in men's eyes.

We were patient that the immeasurable infamy of the act might swell to its full proportions, and stand complete.

By the recall of your arbitrary order, you have not made reparation for the wrong you have done. The injury and the insult yet remain. The violation of the Constitution stands recorded, and unless adequately atoned, becomes a fatal precedent. For the purpose of gratifying an ignoble partisan resentment you have struck down the rights of the press, you have violated personal liberty, subjected property to unjust seizure, ostentatiously placed force above law, setting a dangerous example to those who love force more than they respect law; and thus, and by attempting to crush the organs of free discussion, have made free elections impossible, and broken down all the safeguards of representative government.

It is you that in this transaction stand accused before the people. It is you who are conspicuously guilty. It is upon you that history, when recording these events, will affix the crime of a disregard of your duty, oblivion of your oath, and a pitiable subserviency to party prejudice and to personal ambition, when the country demanded in the presidential office elevated character, devotion to duty, and entire self-abnegation.

But you are not to be left to the judgment of history alone. Thank God, by the provisions of our Constitution, not yet wholly abrogated, the people are soon to pass upon your claims to re-election, and the right of impeachment yet remains to their representatives. The people and their representatives have the right to speak when the pen is struck from the hands of a freeman by the bayonet; when the Bastile, once broken down on the other side of the Atlantic by the rever-

beration of our Revolution, is reconstructed here.

In stormy times like these, amid dangers with which an unsuppressed rebellion environs us, his would have been a rash hand which had hastily set in motion for another purpose than the suppression of rebellion, the machinery of justice; who had invoked against the disloyalty of rulers the retribution and redresses of the law. The danger of such a conflict of laws is so far passed, that not even a president could now plead national safety as an excuse for refusing to do justice or submit to judgment.

Yet no citizen who regards his duties should ever hesitate at the last to oppose lawless deeds with legal remedies. The law may break down. It will then disclose to a watchful people the point of greatest danger. Courts may fail; judges may be intimidated by threats or bribed by the allurements of power, and those



who have sworn to execute the laws may shrink from the fulfillment of their oaths. A craven Congress may sit silent and idly watch the perishing liberties of the people whom they represent, but this cannot deter him who, in defending his rights, is determined to do his whole duty, and to whom it is competent at last to commit the issue to that Power, omnipotent and inscrutable, who presides in events and sways the destinies of nations and the hearts of men.

MANTON MARBLE.

NEW YORK, May 23, 1864.











71. 2009.084 02345

